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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 WESTERN DIVISION

11 VERNON CASTLE BROWN JR., )  
12 )  
13 Petitioner, ) Case No. CV 11-4691-CAS(AJW)  
14 v. )  
15 J.B. WALKER, ) MEMORANDUM AND ORDER  
16 Respondent. ) DISMISSING PETITION  
\_\_\_\_\_)

17 Petitioner filed this petition for a writ of habeas corpus on  
18 June 1, 2011. For the following reasons, the petition is subject to  
19 summary dismissal pursuant to Rule 4 of the Rules Governing Section  
20 2254 Cases.

21 To begin with, the Court cannot readily discern the factual or  
22 legal basis for petitioner's claims. For example, petitioner alleges  
23 the following two grounds for relief:

- 24 1. Book No. 72 Cal.1.Rept. 78 Book No. 71.  
25 2. None. The United States vs. Heart to Heart of America  
26 2929th Cir 27 Cal.7.Rept. 128 pg no. 79 Washington  
27 Courthouse Case Brown C.V. vs. USCD No. 29 Vs. Washington  
28 Book No. 72 Book No. 71 Cal.1.Rept 78 Cal. Rept 21 and 29.

1 [Petition at 5]. Petitioner provides nothing further in support of  
2 his claims.

3 Rule 4 of the Rules Governing Section 2254 Cases provides that  
4 the Court shall summarily dismiss a petition "[i]f it plainly appears  
5 from the petition and any attached exhibits that the petitioner is not  
6 entitled to relief...." Summary dismissal pursuant to Rule 4 is  
7 appropriate only where the allegations in the petition are "vague or  
8 conclusory," "palpably incredible," or "patently frivolous or false."  
9 Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir. 1990) (quoting  
10 Blackledge v. Allison, 431 U.S. 63, 75-76 (1977)). As pleaded, the  
11 petition filed in this case is subject to summary dismissal because  
12 the allegations are vague, incredible, and frivolous. See generally  
13 O'Bremski v. Maass, 915 F.2d 418, 420 (9th Cir. 1990) (explaining that  
14 "notice pleading is not sufficient," and that the petition must state  
15 facts pointing to a "real possibility of constitutional  
16 error") (quoting Blackledge, 431 U.S. at 75 n. 7), cert. denied, 498  
17 U.S. 1096 (1991).

18 Furthermore, to the extent that petitioner attempts to challenge  
19 his 2001 murder conviction, this court lacks jurisdiction over his  
20 petition. This is the fourth habeas petition petitioner has filed in  
21 this Court.<sup>1</sup> The first petition, filed in Case No. CV 03-7528-  
22 FMC(AJW), challenged petitioner's 2001 murder conviction in the Los  
23 Angeles County Superior Court. That petition was denied on the merits  
24 on June 8, 2004. Petitioner filed a second petition challenging the  
25 same conviction, in Case No. CV 04-4250-R(AJW). That petition was

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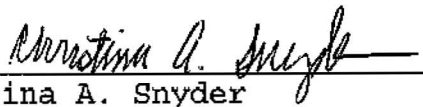
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27 <sup>1</sup> Many of the facts are obtained from the Court's files concerning  
28 petitioner's prior petitions. The Court may take judicial notice of such  
official court files. See Fed.R.Evid. 201; Lee v. City of Los Angeles,  
250 F.3d 668, 688 (9th Cir. 2001).

1 dismissed as successive on August 25, 2004. A report and  
2 recommendation recommending dismissal of petitioner's third petition,  
3 filed in Case No. CV 11-4338-CAS(AJW) was issued on June 3, 2011.  
4 Although not entirely clear, if petitioner again seeks to challenge  
5 petitioner's 2001 murder conviction, the petition must be dismissed as  
6 successive. See 28 U.S.C. §§ 2244(b)(2) & 2244(b)(3); see Felker v.  
7 Turpin, 518 U.S. 651, 656-657 (1996); Greenawalt v. Stewart, 105 F.3d  
8 1268, 1277 (9th Cir.), cert. denied, 519 U.S. 1102 (1997).

9 For the foregoing reasons, the petition is dismissed.

10 **It is so ordered.**

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12 Dated: 6/10/11

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15 Christina A. Snyder  
16 United States District Judge  
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